

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**JUDDS BROTHERS CONSTRUCTION
CO., a Nebraska Corporation;**

Plaintiff,

vs.

**MERSINO DEWATERING, INC., a
Michigan Corporation;**

Defendant.

8:16CV1

ORDER

This matter is before the Court on the Motion to Disqualify Plaintiff's Proposed Expert John Judds, ECF No. 57, filed by Defendant Mersino Dewatering, Inc. On March 3, 2017, Plaintiff Judds Brothers Construction Co. filed notice, ECF No. 63, that it was withdrawing John Judds as a proposed expert. Plaintiff stated that it may still call John Judds as a fact witness. See *id.* Thus, Defendant's motion will be denied as moot. Accordingly,

IT IS ORDERED: Defendant Mersino Dewatering, Inc.'s Motion to Exclude Plaintiff's Proposed Expert John Judds, ECF No. 57, is denied as moot.

Dated this 13th day of March, 2017.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge